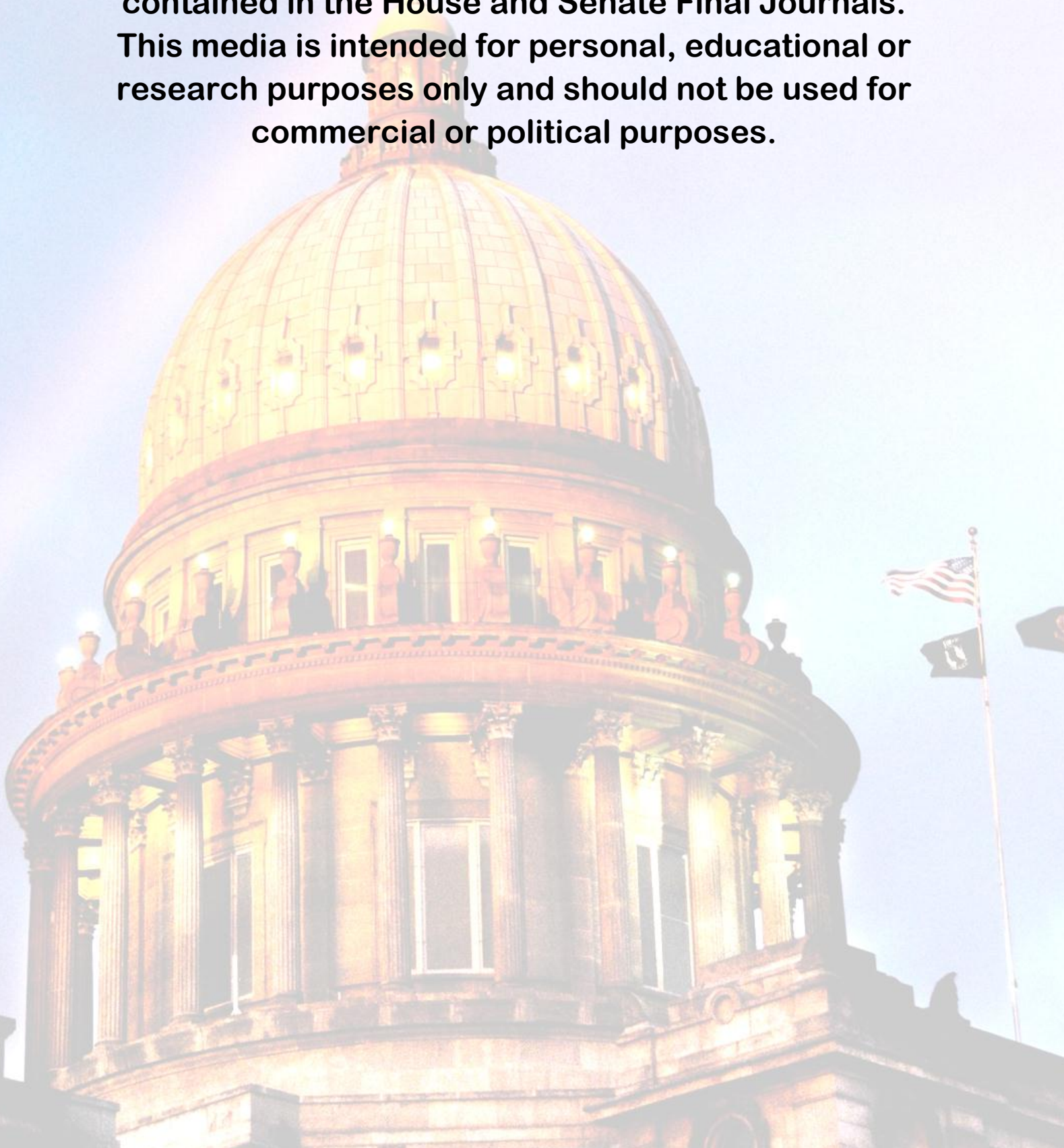


Please be advised that this is an electronic reproduction of Legislative proceedings and does not represent the official record of floor actions that are contained in the House and Senate Final Journals. This media is intended for personal, educational or research purposes only and should not be used for commercial or political purposes.



HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 18, 2016

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Austen Thomason,
Page.

3RD ORDER

Approval of Journal

February 18, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

House Page Program

At this time, the Speaker put the House at ease for the House Page program.

4TH ORDER

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, that pursuant to the provisions of Section 59-917, Idaho Code, NEIL A. ANDERSON, State Representative, District 31, Seat A, Bingham County, State of Idaho, has nominated, ADAM LADD CARTER, of 1775 W 950 S, Pingree, ID 83262, to perform the duties of this office temporarily as Acting State Representative, District 31, Seat A.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Adam Ladd Carter of Pingree, Idaho,

to the office of Acting State Representative, District 31, Seat A, for a term commencing February 18, 2016, and continuing until such time as Representative Anderson is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 17th day of February, in the year of our Lord two thousand and sixteen, and of the Independence of the United States of America, the two hundred and fortieth year.

/s/ C.L. "BUTCH" OTTER
Governor

/s/ LAWERENCE DENNEY
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Adam Ladd Carter.

February 17, 2016

Mr. Speaker:

I transmit herewith enrolled [S 1206](#), [S 1207](#), [S 1197](#), [S 1216](#), [S 1217](#), [S 1210](#), [S 1233](#), [S 1215](#), [S 1213](#), and [SCR 133](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1206](#), [S 1207](#), [S 1197](#), [S 1216](#), [S 1217](#), [S 1210](#), [S 1233](#), [S 1215](#), [S 1213](#), and [SCR 133](#) and, when so signed, ordered them returned to the Senate.

February 17, 2016

Mr. Speaker:

I transmit herewith [SJM 104](#), [SCR 139](#), [SCR 140](#), and [SCR 141](#) which have passed the Senate.

NOVAK, Secretary

[SJM 104](#), [SCR 139](#), [SCR 140](#), and [SCR 141](#) were filed for first reading.

February 17, 2016

Mr. Speaker:

I return herewith [H 446](#) which has passed the Senate.

NOVAK, Secretary

[H 446](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER

Report of Standing Committees

February 18, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 514](#), [H 515](#), [H 516](#), and [H 517](#).

WILLS, Chairman

[H 514](#) and [H 515](#) were referred to the Education Committee.

[H 516](#) was ordered held at the Desk.

[H 517](#) was referred to the State Affairs Committee.

February 17, 2016

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [HCR 35](#) and recommend that it do pass.

RAYBOULD, Chairman

[HCR 35](#) was filed for second reading.

February 17, 2016

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 462](#) and report it back with amendments attached to be placed on General Orders for consideration.

RAYBOULD, Chairman

[H 462](#) was placed on General Orders for consideration.

February 17, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 492](#), [H 493](#), and [H 495](#) and recommend that they do pass.

WILLS, Chairman

[H 492](#), [H 493](#), and [H 495](#) were filed for second reading.

February 17, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 491](#) and report it back with amendments attached to be placed on General Orders for consideration.

WILLS, Chairman

[H 491](#) was placed on General Orders for consideration.

February 18, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 464](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 464](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER Motions, Memorials, and Resolutions

[SJM 104](#), by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[SCR 139](#), [SCR 140](#), and [SCR 141](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

8TH ORDER Introduction, First Reading, and Reference of Bills and Joint Resolutions

House of Representatives
State of Idaho

February 16, 2016

The Honorable Vito Barbieri, Chairman
Business Committee

Dear Representative Barbieri:

I hereby designate the Business Committee a privileged committee on Wednesday, February 17, 2016, for the purpose of introducing RS 24542 (H 520) and RS 24556 (H 519).

Sincerely,
/s/ Scott Bedke
Speaker of the House

House of Representatives
State of Idaho

February 16, 2016

The Honorable Richard Wills, Chairman
Judiciary, Rules, and Administration Committee

Dear Representative Wills:

I hereby designate the Judiciary, Rules, and Administration Committee a privileged committee on Wednesday, February 17, 2016, for the purpose of introducing RS 24259C2 (H 521).

Sincerely,
/s/ Scott Bedke
Speaker of the House

HOUSE BILL NO. 518 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO MENTAL ILLNESS; AMENDING SECTION 66-317, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 66-329, IDAHO CODE, TO REVISE PROVISIONS REGARDING INVOLUNTARY ADMISSION OR DETENTION IN CERTAIN FACILITIES.

HOUSE BILL NO. 519 BY BUSINESS COMMITTEE AN ACT

RELATING TO MASSAGE THERAPY; AMENDING SECTION 54-4002, IDAHO CODE, TO PROVIDE AN EXCEPTION FROM THE DEFINITION OF "COMPENSATION"; AMENDING SECTION 54-4007, IDAHO CODE, TO AUTHORIZE THE BOARD OF MASSAGE THERAPY TO ESTABLISH REQUIREMENTS FOR A STUDENT TUITION CREDIT PROGRAM, TO ESTABLISH REQUIREMENTS FOR A TEMPORARY LICENSE AND PROVISIONAL PERMIT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 520
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO INDEMNIFICATION IN DESIGN PROFESSIONAL CONTRACTS; AMENDING CHAPTER 1, TITLE 29, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 29-117, IDAHO CODE, TO PROHIBIT CERTAIN PROVISIONS IN CONTRACTS BETWEEN GOVERNMENTAL ENTITIES AND DESIGN PROFESSIONALS.

HOUSE BILL NO. 521
BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE
 AN ACT

RELATING TO ALCOHOL; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-604A, IDAHO CODE, TO PROVIDE LIMITED USE IMMUNITY TO A MINOR WHO ACTS IN GOOD FAITH AND FOR A MEDICAL EMERGENCY, TO PROVIDE REQUIREMENTS AND TO ALLOW PROSECUTION FOR OTHER CHARGES.

HOUSE BILL NO. 522
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO JUVENILE PROCEEDINGS; AMENDING SECTION 16-1504, IDAHO CODE, TO PROVIDE THAT CONSENT TO ADOPTION IS REQUIRED FROM CERTAIN COURTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-1616, IDAHO CODE, TO PROVIDE CERTAIN NOTICE AND REPORTING REQUIREMENTS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1616A, IDAHO CODE, TO PROVIDE REQUIREMENTS REGARDING NOTIFICATION TO RELATIVES; AMENDING SECTION 16-1619, IDAHO CODE, TO PROVIDE FOR JUDICIAL APPROVAL OF ALL MATTERS REGARDING THE CUSTODY OF CERTAIN CHILDREN, INCLUDING THE PLACEMENT AND CHANGE IN PLACEMENT OF SUCH CHILDREN; AMENDING SECTION 16-1621, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS REGARDING CASE PLANS; AMENDING SECTION 16-1624, IDAHO CODE, TO PROVIDE THAT CERTAIN ADOPTIONS MUST BE SANCTIONED BY THE COURT; AMENDING SECTION 16-1629, IDAHO CODE, TO PROVIDE FOR JUDICIAL APPROVAL OF CERTAIN DETERMINATIONS AND TO REVISE AND ESTABLISH PROVISIONS REGARDING THE PLACEMENT PRIORITY AND CONSIDERATIONS FOR CERTAIN CHILDREN; AMENDING SECTION 16-2010, IDAHO CODE, TO PROVIDE THAT CERTAIN ADOPTIONS MUST BE SANCTIONED BY THE COURT; AMENDING SECTION 39-1221, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A REMOVAL AND CHANGE IN FOSTER HOME PLACEMENT; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 523
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO JUVENILE PROCEEDINGS; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1644, IDAHO CODE, TO PROVIDE CERTAIN REPORTING REQUIREMENTS OF THE STATE DEPARTMENT OF HEALTH AND WELFARE.

[H 518](#), [H 519](#), [H 520](#), [H 521](#), [H 522](#), and [H 523](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER
Second Reading of Bills and Joint Resolutions

[H 476](#), by Education Committee, was read the second time by title and filed for third reading.

[H 455](#) and [H 456](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

[H 454](#), by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

[H 444](#), [H 457](#), [H 471](#), and [H 472](#), by Transportation and Defense Committee, were read the second time by title and filed for third reading.

[S 1229](#), by Transportation Committee, was read the second time by title and filed for third reading.

[HCR 38](#), by State Affairs Committee, was read the second time by title and filed for third reading.

11TH ORDER
Third Reading of Bills and Joint Resolutions

[H 486](#) - BARBERS

[H 486](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Crane to open debate.

The question being, "Shall [H 486](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – McMillan, Nate, Scott. Total – 3.

Absent – VanOrden. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 486](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 452 - EDUCATION

H 452 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kloc to open debate.

The question being, "Shall **H 452** pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Smith, Thompson, Troy, Trujillo, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 60.

NAYS – Barbieri, Cheatham, Dixon, McMillan, Nate, Nielsen, Scott, Shepherd, Sims. Total – 9.

Absent – VanOrden. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 452** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 439 - STATE APPELLATE PUBLIC DEFENDER

H 439 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry to open debate.

The question being, "Shall **H 439** pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – VanOrden. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 439** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER
Announcements**

Announcements were made to the body.

**16TH ORDER
Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, February 19, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:02 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk